

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment – District Panchayat Officers – Sri S.Narayana, DPO (Retd), Adilabad – Promoted as District Panchayat Officer w.e.f. 01-07-1998 with all consequential benefits – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (E.VIII) DEPARTMENT

G.O.Rt.No. 1037

Dated.06-07-2011.

Read the following:

1. Orders of Hon'ble APAT in O.A.No.3733/2007 filed by Sri S.Narayana, DPO (Retd) dt.28-07-2009.
2. From Sri S.Narayana, DPO (Retd) representation dt.14-09-2009
3. Orders of Hon'ble High Court in W.P.No.19109/2010 filed by the Government dt.02-11-2010.

O R D E R:

Sri S.Narayana was appointed as a Lower Division Clerk through District Selection Committee on 06.11.1968 in the office of the District Panchayat Officer, Nizamabad and promoted as Upper Division Clerk (re designated as Senior Assistant) with effect from 12.10.1970. He along with certain other employees were appointed as Extension Officers(Pts) and allotted to Nizamabad Dist. He has made a representation on 12-11-1991 that he was not willing to work as Extension Officer (Pts) and requested that his name also be included in the Seniority list of Senior Assistants in the Office of DPO and DIPO. The confirmed seniority list of Senior Assistants working in the office of DPO Unit of Zone VI was issued indicating the name of the individual at SI.No.6, and the date of appointment/ regularization as Sr. Asst as 12.10.1970. Sri S.Narayana was promoted as Superintendent w.e.f 01.11.1996 and posted as Superintendent in the office of the DPO, Nizamabad. Further Sri S.Narayanain his representation dt.15.11.1996 has requested to fix his seniority in the cadre of Superintendent on par with one Sri Laxma Reddy, who had been promoted as Superintendent w.e.f.1.7.1991 and whose name was shown at SI.No.7 in the seniority list of Senior Assistants. Government after examination of the representation has directed that Sri S.Narayana and Sri P.V.Govind Swamy be given notional promotion as Superintendents w.e.f 01.07.1991 on par with their immediate junior Sri R.Laxma Reddy, retired Superintendent. Accordingly, the Commissioner has issued orders giving notional seniority to Sri S.Narayana in the category of superintendent w.e.f. 01-07-1991. The Commissioner, PR & RD through his letter dated 22.04.1999 has reported to the Government that the name of Sri S.Narayana was shown at Serial No.1 in the category of Superintendents.

2. Sri S.Narayana filed OA No.2181 of 1999 before the Hon'ble APAT seeking a direction that he was entitled to hold the post of DPO from the date of a vacancy in July 1998 and was entitled to all consequently benefits. The Hon'ble APAT has disposed of the OA by its order dated 03.05.1999 directing the respondents to examine the report of the Commissioner and take necessary action in accordance with the rules in the existing or future vacancies without any further delay.

3. While matter stood thus, Sri Mohd.Ahmedulla Khan, who is junior to Sri S.Narayana has filed an OA No.6629 of 1999 before the Tribunal challenging the grant of notional seniority to Sri S.Narayana. The Hon'ble Tribunal has dismissed O.A.No.6692 of 1999 filed by Sri Mohd.Ahmedulla Khan on 24.03.2000. Sri Mohd. Ahmedulla Khan has challenged the order of the Tribunal before the High Court of AP in W.P.No.6531 of 2000. The

Division Bench of High Court allowed the W.P. and set aside the order of the Tribunal in OA No. 6692 of 1999.

4. Sri Ahmadulla Khan, Superintendent in his representation has requested the Government to consider his promotion as DPO. After examination of the representation, he was promoted as DPO vide G.O.Rt.No.570, Dt.12-04-2002 on the basis of the rules existing as on the date of vacancy arose.

5. Aggrieved by the orders of the Hon'ble High Court in W.P.No.6531 of 2000 Sri S.Narayana filed Special Leave Petition No.4582 of 2002 subsequently renumbered as Civil Appeal No.213 of 2003 in the Hon'ble Supreme Court of India, New Delhi. The Hon'ble Supreme Court have allowed the appeal and set aside the impugned judgement of the High Court. The order of the Tribunal dated 24.3.2000 made in O.A.No.6692 of 1999 dismissing the application of the first respondent i.e, Sri Mohd.Ahmedullah Khan, is affirmed.

6. The Commissioner, PR & RE, Hyderabad in his report dt.18-07-2006 has reported that since the Hon'ble Supreme Court has set aside the judgement dt.13-12-2001 of High Court and upheld the APAT orders dt.24-03-2000 in O.A.No.6692/1999, the notional seniority assigned to Sri S.Narayana, over and above Sri Ahmadulla Khan, vide proc. Dt.12-12-1998 holds good and the applicant is eligible for promotion to the post of DPO w.e.f from the date of promotion of his junior i.e. Ahmadulla Khan. Based on the report of the CPR, the Government have promoted Sri S.Narayana superintendent as DPO w.e.f. 12-04-2002 on par with his junior Sri Ahmadulla Khan after review of the panel year 2001-2002 and posted to Adilabad vide G.O.Rt.No.1560, Dt.02-11-2006.

7. Aggrieved by the above orders, Sri S.Narayana, DPO has again filed O.A.No.3733/2007 in which he has prayed to declare that he is entitled to have his seniority as DPO w.e.f. 26-02-1999 in O.A.No.954/99 read with 2181/1999 dt.03-05-1999 and O.A.No.3198/2004 dt.11-09-2006 and orders passed by Supreme Court in Civil Appeal No.213/2003 dt.08-05-2006 with all consequential benefits such as arrears pay etc., by directing the respondents to suitably modify the para 4 of the G.O.Rt.No.1560, dt.02-11-2006 by declaring the action of the respondents in not promoting the applicant as DPO w.e.f. 26-02-1999 is illegal. The Hon'ble APAT in its orders dt.28-07-2009 has directed the respondents to modify the orders passed in G.O.Rt.No.1560, dt.02-11-2006 to the effect that the applicant is entitled for promotion as DPO from July 1998 and he is also entitled for arrears of pay, Revised Pay Scales and other benefits arising out of modification of G.O.Rt.No.1560. The APAT has also held that in the present case, because of the mistake committed by the respondents, the applicant could not get his promotion as DPO inspite of orders passed by the APAT and Apex court. In these circumstances, the applicant is entitled for arrears of salary and RPS and pension from the date of his notional promotion in July 1998 and also directed to complete the exercise within a period of six weeks from the date of receipt of the order.

8. The Government have filed Writ Petition No.19109/2010 against the orders of the APAT and the Hon'ble High Court has dismissed the W.P. and directed the respondents to pay the arrears of salary as directed by the APAT within two months.

9. The Government after careful examination of the matter keeping in view of the orders of the Hon'ble APAT and High Court has decided to promote Sri S.Narayana, DPO (Retd) to the post of District Panchayat Officer with effect from 01-07-1998 with all consequential benefits such as arrears of salary and revision of pay and pension.

10. Accordingly, the Government in super session of the orders issued in G.O.Rt.No.1560, PR & RD (E.VIII) Dept, Dt.02-11-2006 here by promote Sri S.Narayana, DPO (Retd) with effect from 01-07-1998 to the post of District Panchayat Officer notionally with all consequential benefits such as arrears of pay and revised pay scales and pension from the date of his promotion.

11. This order issue with the concurrence of Finance (FR.II) Department vide their U.O.No.13666/27/FR.II/2011, Dt.02-06-2011.

12. The Commissioner, PR & RE, Hyderabad is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The individual through Commissioner, PR & RE, Hyderabad

The Commissioner,

Panchayat Raj & Rural Employment, Hyderabad,

The Accountant General, A.P., Hyderabad

The District Collector (PW), Adilabad

The District Panchayat Officer, Adilabad.

The District Treasury Officer, Adilabad

SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER.